IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

Con.Case(C).No. 1178 of 2007(S)

AGAINST THE JUDGEMENT IN WPC.9816/2007 Dated 29/03/2007

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PETITIONER

T.N.SANKARAN KARTHA, AGED 68 YEARS,
RESIDING AT KAITHAPPILLY HOUSE,
VENGOOR POST & VILLAGE, ERNAKULAM DISTRICT,
PIN- 683 546.

BY ADV. SRI.K.G.RAJANIKANTH

RESPONDENTS:

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1. SRI.P.R.NARAYANAN NAIR,
AGED ABOUT 48 YEARS, FATHER'S NAME NOT KNOWN TO
THE PETITIONER, PRESIDENT,
VENGOOR GRAMA PANCHAYATH, VENGOOR POST,
PIN- 683 546, KUNNATHUNADU TALUK,
ERNAKULAM DISTRICT.

2. T.M.VIYAYALAKSHMI KUNJAMMA,
AGED 52 YEARS, W/O.N.K.KARTHA,
SECRETARY, VENGOOR GRAMA PANCHAYATH,
VENGOOR POST, PIN- 683 546,
KUNNATHUNADU TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.S.SHANAVAS KHAN

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 30/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING :

PIUS C. KURIAKOSE,J.

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Cont. Case (Civil) No.1178 of 2007

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Dated: 30th October, 2007

JUDGMENT

Having considered the statement filed by the respondents and having considered the submissions addressed at the Bar by Mr.K.G.Rajanikanth, counsel for the petitioner and Mr. S.Shanavas Khan, counsel for the respondents and having gone through the various documents placed on record, I am of the view that the stage is yet to arrive for initiation of action under Contempt of Court against the respondents. I close the Contempt Case directing the Panchayat to do everything that is possible at their end to ensure that the directions in Annexure A3 judgment are complied with. I also permit the petitioner to file a fresh Writ Petition arraying the owners of the lands situated by the sides of the road in question so that effective orders can be passed against them. Mr.Rajanikanth submits that the so called land owners are willing to surrender their lands. Mr.Shanavas Khan does not agree. I make it clear that if the owners of the lands situated by the sides of the road are willing to surrender their lands, the Panchayat will not hesitate to accept free surrender.

srd **PIUS C.KURIAKOSE, JUDGE**